

ORDINANCE NO. 4062

AN ORDINANCE AMENDING ORDINANCE NO. 1800,  
THE COMPREHENSIVE PLAN, BY ADOPTING THE UPDATED  
1997 TRANSPORTATION SYSTEM PLAN AS PART OF THE PUBLIC  
FACILITIES PLAN; CPA 98022.

**WHEREAS**, the purpose of the proposed amendments to the Comprehensive Plan, Development Code, Engineering Design Manual and City Code is to implement the updated 1997 Transportation System Plan (TSP) as required by Periodic Review, the State Transportation Planning rule and the Metro Urban Growth Management Functional Plan; and

**WHEREAS**, on February 2, 1998, following a work session on the 1997 draft TSP, Council directed staff to proceed with the implementation of the TSP, which resulted in draft ordinance language that was then circulated, reviewed and commented on by the general public, City Boards, Commissions, Committees and Task Forces; and

**WHEREAS**, the compilation of public comment and information was used to produce a Staff Report, dated December 15, 1998; and

**WHEREAS**, the Planning Commission held public hearings on January 20 and February 10, 1999 to consider the TSP implementation applications; and

**WHEREAS**, on February 10, 1999 the Planning Commission recommended approval of the proposed TSP implementation applications based upon the original Staff Report of December 15, 1998 as modified by three Staff Report addenda that resulted from the two public hearings; and

**WHEREAS**, land use orders were prepared memorializing the Planning Commission's recommendations and placed before the City Council on its Consent Agenda at its April 5, 1999 meeting, at which time the Council remanded the land use orders to the Planning Commission for consideration of additional suggested modifications, which suggested modifications were submitted after the Planning Commission's final decision; and

**WHEREAS**, the Planning Commission held a public hearing on May 26, 1999 on remand, considering additional modifications to the Comprehensive Plan text at which time the Commission approved certain modifications, as recommended by staff, and reaffirmed the previous land use orders (CPA 98020/1174, CPA 98021/1175, CPA 98022/1176 and TA 980008/1177) with modifications; and

**WHEREAS**, the City Council on June 28, 1999 approved new land use orders (CPA 98020/1203, CPA 98021/1204, CPA 98022/1205 and TA 980008/1206) that affirmed and modified, as appropriate, the Planning Commission's previous land use orders; and

**WHEREAS**, in approving the new land use orders the City Council also approved the adoption of the following as facts, findings, reasons, conclusions and criteria applicable to the new land use orders: The Engineering Department Staff Report of April 21, 1999; The Memorandum from staff to the Planning Commission dated April 21, 1999; and The Engineering Department Staff Report of December 15, 1998 including Exhibits 1 - 6 of Appendix A to the December Staff Report, Appendix D to the December Staff Report, and three addenda to the December Staff Report (consisting of two addenda dated January 20, 1999 and one dated February 10, 1999);

Now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 1800, the Comprehensive Plan, is amended by adopting the 1997 Transportation System Plan as part of the Public Facilities Plan, a support document to the Comprehensive Plan, including TSP Attachment A "Recommended Changes" (2/98), TSP Attachment B "Corrections" (2/98), and TSP Attachment C "Recommended Changes and Corrections" (1/98 to 10/15/98), and a Local Connectivity Map for Vermont Avenue to be included in Chapter 8 of the TSP, which text and map (Figure 8-20 A) are set forth in Exhibit "A," attached hereto.

**Section 2.** It shall be considered that it is the legislative intent, in the adoption of this ordinance, that if any part of the ordinance should be determined by any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission, to be unconstitutional or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this 30<sup>th</sup> day of August, 1999.

Passed by the Council this 13<sup>th</sup> day of September, 1999.

Approved by the Mayor this 15<sup>th</sup> day of SEPTEMBER, 1999.

ATTEST:

Darleen Cogburn  
DARLEEN COGBURN, City Recorder

APPROVED:

Rob Brake  
ROB BRAKE, Mayor